

EASTHAM, WATSON, DALE & FORNEY, L.L.P.

ATTORNEYS AT LAW  
THE NIELS ESPERSON BUILDING  
808 TRAVIS STREET, SUITE 1300  
HOUSTON, TEXAS 77002-5769

ROBERT L. KLAWETTER  
PARTNER  
klawetter@easthamlaw.com

TELEPHONE (713) 225-0905  
FACSIMILE (713) 225-2907  
firm@easthamlaw.com

October 16, 2019

FOIA Specialist  
Environmental Protection Agency  
Region 6 Main Office  
1201 Elm Street, Suite 500  
Dallas, Texas 75270

**Via FOIA Online**

RE: **Breakaway barges within the Houston Ship Channel**  
**Date of Incident: September 20, 2019**  
**EWDF Ref: 23,512**

---

To Whom It May Concern:

Please accept this letter as a request under the Freedom of Information Act, 5 U.S.C. Sec. 552 and Texas Public Information Act. We represent the interests of Cheryl K, LLC and the San Jacinto River Fleet, LLC, regarding an event that occurred on or about midnight of September 19/early morning of September 20, 2019, when two barges (the CBC 1403 and the CBC 193) contacted the I-10 Bridge at the San Jacinto River ("the incident"). Please note that as used herein, the term Superfund site refers to the toxic waste site/waste pits located in the San Jacinto River just north of the I-10 Bridge. Pursuant to the Freedom of Information Act and Texas Public Information Act we kindly request copies of the following information:

1. Please produce the entire investigation file regarding the incident.
2. Please produce all evidence regarding any damage and/or disturbance to the Superfund site allegedly arising out of the incident.
3. Please produce all press releases, emails, notifications, and correspondence regarding any alleged damage and/or disturbance to the Superfund site allegedly arising out of the incident.
4. Please produce any and all data, reports, remedial design plans, correspondence, construction logs, and specifications exchanged between the San Jacinto River Coalition, Texas Health and Environmental Alliance, Harris County, and EPA regarding the Superfund site.
5. Please provide all data, reports, remedial design plans, correspondence, costs, construction logs, change orders, and specifications relating to a Superfund site construction protection plan (i.e., protective perimeter, rock berm, pilings or otherwise).

6. Please produce the entire investigation file regarding any release of toxins from the Superfund site following Hurricane Harvey, the Tax Day Flood and/or the Memorial Day Flood.
7. Please produce the entire investigation file regarding any release of toxins from the Superfund site following the tractor trailer incident at or near the I-10 Bridge at the San Jacinto River in June 2019.
8. Please produce any and all data, reports, and correspondences between the San Jacinto River Coalition, Texas Health and Environmental Alliance, Harris County Fire Marshal Office, Harris County Hazmat Team, Harris County Sheriff's Department and EPA regarding the Superfund site following the tractor trailer incident at or near the I-10 Bridge at the San Jacinto River in June 2019.
9. Please produce the design plans and specifications that the EPA has been working on since October 2017, with potential responsible third parties, including but not limited to International Paper Co., Memphis, Tennessee, and McGinnes Industrial Maintenance Corp., a subsidiary of Waste Management.

If necessary, we will reimburse you for your reasonable fees incurred because of this request. We certainly appreciate your assistance and cooperation and we look forward to receipt of the information as soon as possible.

If you have any questions or comments regarding our requests, please do not hesitate to call us.

Very truly yours,

EASTHAM, WATSON, DALE & FORNEY, L.L.P.

*/s/ Robert L. Klawetter*

---

Robert L. Klawetter